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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,506	12/04/2000	Dan Bress	2174/49461TR	3904

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EXAMINER

SPOONER, LAMONT M

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,506

Applicant(s)

BRESS ET AL.

Examiner

Lamont M Spooner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for combining method steps and apparatus means, which fail to particularly point out and **distinctly** claim method steps separately, or apparatus means of the subject matter which applicant regards as the invention.

For the purpose of applying prior art, the Examiner has interpreted the means as method steps.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruta (US Patent No. 5,868,576 Feb. 9, 1999) in view of Kelley (US Patent No. 6,405,171 filed Feb. 2, 1999), and further in view of Ecker et al. (herein referred to as Ecker, US Patent No. 6,442,524 filed Jan. 29, 1999).

Maruta, Kelley and Ecker are analogous art in that they involve communicating languages.

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As per **claim 1**, Maruta discloses method for producing customizable audio speech for use by a person wishing to use such speech to communicate with others, which comprises the steps of:

a) creating a plurality of sets and sub-sets of words, phrases and sentences in text form in a source language (C.7.lines 41-50);

b) creating a plurality of sets and sub-sets of digital speech files (C.7.lines 41, 42-voice information has been created stored in ROM, individually available upon request in any order) corresponding to words, phrases and sentences in one or more target languages in a voice (C.7.lines 43-50, C.8.lines 7-14);

c) associating each of the words, phrases and sentences in text form in the source language with one or more of the digital speech files, in the one or more target languages so that selection of the text form in the source language allows retrieval of the corresponding digital speech file in the one or more target languages in a voice (C.7.lines 41-67, C.8.lines 1-15) and storing said associated sets in digitized electronic form in a database (C.8.lines 7-15);

d) organizing said words, phrases and sentences in text form in the source language into conversational social groups and subgroups (C.7.lines 56-60);

e) coding said words, phrases and sentences, and said conversational social groups and subgroups to allow for rapid retrieval and for customization of same into personal groups and subgroups (C.7.lines 56-62, C.8.lines 52-58);

f) means for communicating requests for additional words, phrases and sentences in text in source language to be created in additional digital files in one or

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more target languages in one or more voices (C.8.lines 44-51); which may form part of existing or new conversational social groups and subgroups (C.8.lines 44-51);

g) creating said additional digital files by the requester only (Fig. 1, Fig 2, C.8.lines 44-51);

i) playing said selected digital speech files so that a user may use such words, phrases and sentences to communicate by speech with others in a selected target language (C.9.lines 1-13); and

j) means for graphically displaying the one or more selected digital speech files to verify what is being spoken to the user (C.9.lines 1-13).

Maruta does not explicitly disclose:

in steps b, c, f and g the digital speech files are digital speech audio files;

b) creating a plurality of sets and sub-sets of digital speech audio files corresponding to words, phrases and sentences in one or more target languages in different voices, by recording the voices speaking the words, phrases and sentences in the one or more target languages;

c) associating each of the words, phrases and sentences in text form in the source language with one or more of the digital speech audio files, in the one or more target languages so that selection of the text form in the source language allows retrieval of the corresponding digital speech audio file in the one or more target languages in a specific voice

However, Kelley teaches (C.4.lines 31-61, Fig. 1) having a plurality of sets and sub-sets of digital speech audio files corresponding to words, phrases and sentences

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corresponding to words phrase and sentences in one or more target languages in different voices, by recording the voices speaking the one or more languages (C.4.lines 46-61), which includes a specific voice. Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine Maruta with Kelly. The motivation for doing so would have been to allow the customer to “brand” terms by using different voice talents, each having a specific voice, for recording and displaying (C.4.lines 49-51), which is an obvious improvement to any speech output device by allowing the output to comprise a variety of voices, which customizes the voice output (C.4.lines 49-51).

Maruta in view of Kelley do not disclose:

c) storing associated sets of words phrase sentences and corresponding voice files in a central open server;

f) communicating requests to the central open server for additional words, phrases and sentences in text in source language to be created in additional digital audio files in one or more target languages in one or more voices; which may form part of existing or new conversational social groups and subgroups;

g) creating said additional digital audio files on a closed server for access by the requester only;

h) requester alters and create new conversational social groups and subgroups;

However, Ecker teaches having associated sets of words phrase sentences and corresponding voice files in a central open server (C.9.lines 8-38), communicating requests to a central open server for additional words, phrases and sentences in text in

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source language and allowing the requester to alter and create new conversational social groups and subgroups (C.9.lines 20-38), and creating said additional digital audio files on a closed server for access by the requester only (C.9.lines 8-38). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine Maruta and Kelley with Ecker. The motivation for doing so would have been to allow digitized audio information involving language translation, privately and openly, to be remotely stored and accessed, which is well known in the art to reduce memory space from the client end device, expand the user vocabulary to the client device, which would obviously increase personal or shared client side knowledge to client device (C.9.lines 1-38).

As per **claim 2**, Maruta, Kelley, Matsumoto and Ecker disclose all of the limitations of claim 1, upon which claim 2 depends.

Maruta in view of Kelly do not disclose:

access to the central servers is by a workstation directly connected thereto or capable of connection through an Internet connection or other suitable means.

However, Ecker teaches access to the central servers is by a workstation directly connected thereto or capable of connection through an Internet connection or other suitable means (C.9.lines 19-38). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine Maruta and Kelly with Ecker. The motivation for doing so would have been to allow translation to be performed remotely at an Internet server and transmitted using Internet telephony (C.9.lines 25-38).

As per **claim 3**, Maruta, Kelley, and Ecker disclose all of the limitations of claim 2, upon which claim 3 depends. Maruta further discloses:

displaying selected text in source language (Fig. 2, C.7.lines 41-62);

playing selected digital speech files (Fig. 2, C.7.lines 41-62, C.8.lines 7-15);

Maruta does not explicitly disclose:

playing selected digital speech audio files.

However, Kelly teaches (C.4.lines 31-60, C.13.lines 10-15) having and playing selected digital speech audio files. Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine Maruta with Kelly. The motivation for doing so would have been to allow the customer play digital audio speech files (C.4.lines 49-51), which is an obvious desired effect to having speech audio files, by allowing the files to be output in a selected manner, which customizes the voice output (C.4.lines 49-51).

Maruta in view of Kelley do not disclose:

communicating with the central servers and/or means for playing media containing recorded text and digital speech audio files copied from the central servers.

However, Ecker teaches (C.9.lines 1-38) communicating with a central server. Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine Maruta, Kelley and Ecker. The motivation for doing so would have been to allow the user to communicate with a central server, which would benefit the user by providing a remote site with additional voice digital speech audio file

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information that the client will have access with in addition to the information already available with the client (C.9.lines 24-38) portable device the playing thereof.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Matsumoto (US Patent No. 5,940,796 Aug. 17, 1999) teaches having a central open server and storing information text information and corresponding speech synthesis information in digitized electronic digitized form in a database.
- Akers (US Patent No. 6,278, 967 filed Dec. 16, 1998) teaches having a plurality of sets and sub-sets of digital speech audio files corresponding to words, phrases and sentences and corresponding sets of information in text form.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M Spooner whose telephone number is 703/305-8661. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 703/305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms
09/20/04



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